

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. National Phase Application)	
of International Application No.:)	
PCT/IB2002/005216)	Group Art Unit: Not Yet Assigned
Inventors: Vincenzo BOFFA et al)	Examiner: Not Yet Assigned
Application No.: 10/538,192)	
Filed: June 9, 2005)	
For: METHOD FOR OPTIMIZING THE)	
POSITIONING OF HIGH)	
SENSITIVITY RECEIVER FRONT-)	
ENDS IN A MOBILE TELEPHONY)	
NETWORK AND RELATED)	
MOBILE TELEPHONY NETWORK)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF FACTS UNDER 37 C.F.R. § 1.47(b)
BY FRANCESCO BATTIPEDE

I, Francesco Battipede, hereby declare as follows:

1. I am employed in the Industrial Property Rights Function, Telecom Italia S.p.A. c/o Pirelli & C. S.p.A. at Viale Sarca 222, 20126 Milano, Italy, and I am the representative of TELECOM ITALIA S.p.A. currently in charge of this patent application.
2. On or about July 10, 2006, I sent a registered letter via the Italian Postal Service to Enrico Giovanardi (copy of original and English-language translation attached and identified as EXHIBIT A) with a copy of the U.S. Declaration and Power of Attorney, the U.S. Assignment, and the Canadian Assignment (copy attached and identified as

EXHIBIT B), and I requested that Mr. Giovanardi sign the documents for the purpose of filing the above named patent application (PCT/IB2002/005216) in the United States and Canada. I requested Mr. Giovanardi to reply no later than 10 days from the date of my letter.

I received a postal service receipt showing that my letter of July 10, 2006, mailed on July 11, 2006, was received and signed for at the last known address of Enrico Giovanardi on July 14, 2006 (copy of front and back of the original and English-language translation of the Acknowledgement of Receipt signed on July 14, 2006, attached and identified as EXHIBIT C).

To date, I have not received a reply from Mr. Giovanardi to my letter of July 10, 2006.

3. On or about February 27, 2007, I sent a second registered letter via the Italian Postal Service to Enrico Giovanardi (copy of original and English-language translation attached and identified as EXHIBIT D) with a copy of the U.S. Declaration and Power of Attorney and the U.S. Assignment attached to a complete copy of the patent application, including specification, claims and drawings (copy attached and identified as EXHIBIT E), and I requested that Mr. Giovanardi sign the documents for the purpose of filing the above named patent application (PCT/IB2002/005216) in the United States.

I requested Mr. Giovanardi to reply no later than 10 days from the date of my letter.

I received a postal service receipt showing that my letter of February 27, 2007, mailed on February 28, 2007, was received and signed for at the last known address of

Enrico Giovanardi on March 6, 2007 (copy of front and back of the original and English-language translation of Acknowledgement of Receipt signed on March 6, 2007, attached and identified as EXHIBIT F).

To date, I have not received a reply from Mr. Giovanardi to my letter of February 27, 2007.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that the willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed: Francesco Battipede
Francesco Battipede

Dated: June 6, 2007

Evidence 10

(1/10) **PIRELLI**

Pirelli & C. Società per Azioni [Stock Company]

Industrial Property Department

Eng. Enrico Giovanardi
Via Carducci 54
41041 Formigone (Modena)

Registered Letter

July 10, 2006

Subject: **PCT/IB2002/005216 "Method to Optimize Positioning of High Sensitivity Receiver Front-End in a Mobile Telephone Network and Related Mobile Telephone Network"**

In the name of and on behalf of Telecom Italia SpA, for which we are acting as IPR [Intellectual Property Rights] Service, we are hereby asking you to please sign the attached documents for the purpose of being able to file the above-named patent application, as a part of which you are listed among the inventors at the Canadian Intellectual Property Office and the US Patent and Trademark Office.

F. Battipede
in September 2005
Please note that we had sent you a similar request, which, however, has remained unanswered despite numerous reminders.

Reminding you that your failure to sign the attached documents causes serious harm to Telecom Italia SpA for which it may jeopardize the possibility of the patent in question being granted in the United States and in Canada, we are awaiting your kind urgent reply within and no later than 10 days from the date of this letter,

Cordially yours,

[Signed:] Francesco Battipede
Francesco Battipede
IPR Service of the Telecom Italia Group

Viale Sarca, 222
20126/Milan
Telephone: 02.6442.1
Fax: 02.6442.3190

VAT Registration No. 00860340157
Taxpayer Code Number and Registration of
the Enterprises of Milan No. 00860340157
Economic and Administrative Index of Milan 1055

Italian Exchange Bureau Registration no. 4287
Share Capital
Euro 2,763,953,496.20

Evidence 10

(1/10)

PIRELLI

SCAN

Pirelli & C. Società per Azioni

Direzione Proprietà Industriale

Egr. Ing.
Enrico Giovanardi
Via Carducci 54
41041 Formigone (Modena)

Raccomandata r/r

10 Luglio 2006

Oggetto: PCT/IB2002/005216 "Method for optimizing the positioning of high sensitivity receiver front-ends in a mobile telephony network and related mobile telephony network"

In nome e per conto di Telecom Italia S.p.A., di cui fungiamo da Funzione IPR, con la presente siamo a richiederLe di voler cortesemente sottoscrivere i documenti allegati al fine di poter procedere al deposito della domanda di brevetto in oggetto, nell'ambito della quale Lei è indicato tra gli inventori, presso il Canadian Intellectual Property Office ed il Patent and Trademark Office USA.

Voglia notare che già nel settembre 2005 avevamo avanzato analoga richiesta nei suoi confronti, rimasta peraltro inevasa nonostante i ripetuti solleciti.

Nel ricordarLe, che la mancata sottoscrizione dei documenti allegati da parte Sua arreca un grave danno a Telecom Italia S.p.A. alla quale può pregiudicare la possibilità di vedersi concesso il brevetto in questione negli Stati Uniti ed in Canada, rimaniamo in attesa di suo cortese, urgente riscontro entro e non oltre 10 giorni dalla data della presente.

Cordiali saluti.


Francesco Battipede
Funzione IPR Gruppo Telecom Italia

Viale Sarca, 222
20126 Milano
telefono 02.6442.1
fax 02 6442.3190

Partita IVA 00860340157
Codice Fiscale e Registro delle
Imprese di Milano n° 00860340157
REA di Milano 1055

U.I.C. Iscrizione n. 4287
Capitale Sociale
Euro 2.763.953.496,20

(2110)

PC 1014

Customer Number 22,852
Attorney Docket No.: 05788.0365

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD FOR OPTIMIZING THE POSITIONING OF HIGH SENSITIVITY RECEIVER FRONT- ENDS IN A MOBILE TELEPHONY NETWORK AND RELATED MOBILE TELEPHONY NETWORK

the specification of which

☐ is attached and/or☒ was filed on June 9, 2005 as United States Application Serial No. _____ and
was amended on June 9, 2005☒ was filed on December 10, 2002 as PCT International Application No. PCT/IB2002/005216 and
was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT international application(s) designating at least one country other than the United States, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or any PCT International application(s) having a filing date before that of the application(s) of which priority is claimed:

Country	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C. 119	
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application(s) and the national or PCT International filing date of this application:

Application Number	Date of Filing	Status (Patented, Pending, Abandoned)

I hereby appoint the following attorney and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., CUSTOMER NUMBER 22,852.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of First Inventor	Inventor's Signature	Date
Vincenzo BOFFA		
Residence	Citizenship	
Milano, Italy	Italy	
Post Office Address		
c/o Pirelli Cavi E Sistemi S.p.A., Via Sarca, 222, I-20126 Milano, Italy		
Full Name of Second Inventor	Inventor's Signature	Date
Eraldo DAMOSSO		
Residence	Citizenship	
Torino, Italy	Italy	
Post Office Address		
c/o Telecom Italia Lab. S.p.A., Via G. Reiss Romoli, 274, I-10148 Torino, Italy		
Full Name of Third Inventor	Inventor's Signature	Date
Enrico GIOVANARDI		
Residence	Citizenship	
Torino, Italy	Italy	
Post Office Address		
c/o Telecom Italia Lab. S.p.A., Via G. Reiss Romoli, 274, I-10148 Torino, Italy		
Full Name of Fourth Inventor	Inventor's Signature	Date
Renata MELE		
Residence	Citizenship	
Milano, Italy	Italy	
Post Office Address		
c/o Pirelli Cavi E Sistemi S.p.A., Via Sarca, 222, I-20126 Milano, Italy		
Full Name of Fifth Inventor	Inventor's Signature	Date
Fabrizio RICCI		
Residence	Citizenship	
Milano, Italy	Italy	
Post Office Address		
c/o Pirelli Cavi E Sistemi S.p.A., Via Sarca, 222, I-20126 Milano, Italy		
Full Name of Sixth Inventor	Inventor's Signature	Date
Loris STOLA		
Residence	Citizenship	
Torino, Italy	Italy	
Post Office Address		
c/o Telecom Italia Lab. S.p.A., Via G. Reiss Romoli, 274, I-10148 Torino, Italy		

(4/10)

Attorney Docket No.: 05788.0365

Full Name of Seventh Inventor	Inventor's Signature	Date
Daniela TEALDI		
Residence		Citizenship
Torino, Italy		Italy
Post Office Address		
c/o Telecom Italia Lab. S.p.A., Via G. Reiss Romoli, 274, I-10148 Torino, Italy		

(5110)

Attorney Docket No.: 05788.0365

JOINT INVENTION
(U.S. Rights Only)

ASSIGNMENT

WHEREAS, We, the below named inventors, (hereinafter referred to as assignors, have made an invention entitled:

**METHOD FOR OPTIMIZING THE POSITIONING OF HIGH SENSITIVITY RECEIVER
FRONT-ENDS IN A MOBILE TELEPHONY NETWORK AND RELATED MOBILE
TELEPHONY NETWORK**

for which we executed an application for United States Letters Patent concurrently herewith filed an application for United States Letters Patent on June 9, 2005 (Application No. _____); and

WHEREAS, PIRELLI & C. S.p.A., a corporation of Italy, whose post office address is Via Gaetano Negri, 10, 20123 Milano, Italy, and TELECOM ITALIA S.p.A., a corporation of Italy, whose post office address is Piazza Degli Affari, 2, 20121 Milano, Italy (hereinafter referred to as assignee), is desirous of securing the entire right, title, and interest in and to this invention, the application for United States Letters Patent on this invention and the Letters Patent to be issued upon this application;

NOW THEREFORE, be it known that, for good and valuable consideration the receipt of which from assignee is hereby acknowledged, we, as assignors, have sold, assigned, transferred, and set over, and do hereby sell, assign, transfer, and set over unto the assignee, its lawful successors and assigns, our entire right, title, and interest in and to this invention and this application, and all divisions, and continuations thereof, and all Letters Patent of the United States which may be granted thereon, and all reissues thereof; and we hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue all Letters Patent for this invention to assignee, its successors and assigns, in accordance with the terms of this Assignment;

AND, WE HEREBY further covenant and agree that we will, without further consideration, communicate with assignee, its successors and assigns, any facts known to us respecting this invention and testify in any legal proceeding, sign all lawful papers when called upon to do so, execute and deliver all papers that may be necessary or desirable to perfect the title to this invention in said assignee, its successors and assigns, execute all divisional, continuation, and reissue applications, make all rightful oaths and generally do everything possible to aid assignee, its successors and assigns, to obtain and enforce proper patent protection for this invention in the United States, it being understood that any expense incident to the execution of such papers shall be borne by the assignee, its successors and assigns.

AND, WE HEREBY authorize and request the attorneys we have empowered in the Declaration and Power of Attorney in this application, to insert here in parentheses (Application No. _____, filed June 9, 2005) the filing date and application number of said application when known.

(6110)

Attorney Docket No.: 05788.0365

IN TESTIMONY WHEREOF, we have hereunto set our hands.

First Assignor

Vincenzo BOFFA
c/o Pirelli Cavi E Sistemi S.p.A.,
Via Sarca, 222,
I-20126 Milano, Italy

Citizenship: Italy

Signature: _____

Date: _____

Second Assignor

Eraldo DAMOSSO
c/o Telecom Italia Lab. S.p.A.,
Via G. Reiss Romoli, 274,
I-10148 Torino, Italy

Citizenship: Italy

Signature: _____

Date: _____

Third Assignor

Enrico GIOVANARDI
c/o Telecom Italia Lab. S.p.A.,
Via G. Reiss Romoli, 274,
I-10148 Torino, Italy

Citizenship: Italy

Signature: _____

Date: _____

(7110)

Attorney Docket No.: 05788.0365

Fourth Assignor

Renata MELE
c/o Pirelli Cavi E Sistemi S.p.A.,
Via Sarca, 222,
I-20126 Milano, Italy

Citizenship: Italy

Signature: _____

Date: _____

Fifth Assignor

Fabrizio RICCI
c/o Pirelli Cavi E Sistemi S.p.A.,
Via Sarca, 222,
I-20126 Milano, Italy

Citizenship: Italy

Signature: _____

Date: _____

Sixth Assignor

Loris STOLA
c/o Telecom Italia Lab. S.p.A.,
Via G. Reiss Romoli, 274,
I-10148 Torino, Italy

Citizenship: Italy

Signature: _____

Date: _____

(8/10)

Attorney Docket No.: 05788.0365

Seventh Assignor

Daniela TEALDI
c/o Telecom Italia Lab. S.p.A.,
Via G. Reiss Romoli, 274,
I-10148 Torino, Italy

Citizenship: Italy

Signature: _____

Date: _____

59473-NP

CANADIAN ASSIGNMENT

- NEW PATENT APPLICATION
- INVENTOR(S) TO COMPANY OR INDIVIDUAL



We, Vincenzo BOFFA, Eraldo DAMOSSO, Enrico GIOVANARDI, Renata MELE, Fabrizio RICCI, Loris STOLA and Daniela TEALDI

(names of assignors)

in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, do hereby sell and assign to

PIRELLI & C. S.P.A. of Via Gaetano Negri, 10, I-20123 Milano Italy and
TELECOM ITALIA S.P.A. of Piazza Degli Affari, 2, I-20121 Milano, Italy

(name & address of assignee)

all my/our right, title and interest in Canada in and to my/our invention relating to

METHOD FOR OPTIMIZING THE POSITIONING OF HIGH SENSITIVITY RECEIVER
FRONT-ENDS IN A MOBILE TELEPHONY NETWORK AND RELATED MOBILE
TELEPHONY NETWORK

(title of invention)

as fully described and claimed in my/our application for a patent for such invention and to all my/our corresponding right, title and interest in and to any patent which may issue therefor.

SIGNED at _____

This 1 day of March, 2004.

Vincenzo BOFFA

(Name of 1st Inventor)

X

(Signature of 1st Inventor)

X

(Signature of Witness)

Eraldo DAMOSSO

(Name of 2nd Inventor)

X

(Signature of 2nd Inventor)

X

(Signature of Witness)

(10/10)

59473-NP

CANADIAN ASSIGNMENT

- **NEW PATENT APPLICATION**
- **INVENTOR(S) TO COMPANY OR INDIVIDUAL**



Enrico GIOVANARDI

(Name of 3rd inventor)

X

(Signature of 3rd Inventor)

X

(Signature of Witness)

Renata MELE

(Name of 4th inventor)

X

(Signature of 4th Inventor)

X

(Signature of Witness)

Fabrizio RICCI

(Name of 5th inventor)

X

(Signature of 5th Inventor)

X

(Signature of Witness)

Loris STOLA

(Name of 6th inventor)

X

(Signature of 6th Inventor)

X

(Signature of Witness)

Daniela TEALDI

(Name of 7th inventor)

X

(Signature of 7th Inventor)

X

(Signature of Witness)

Evidence 11



Posteitaliane

postaprioritaria

A. R.

["Italian Post"]
Notice of Receipt
Form 234P-Co? W84029

["Priority Mail. Acknowledgment of
Receipt".]

[Stamp: "INDUSTRIAL PROPERTY DEPARTMENT. REC. JULY 20, 2006."]

[Handwritten:] C. 0270 – INDUSTRIAL PROPERTY DEPARTMENT
S. BEDINE (REF. PC 1014)
VIALE SARCA 222
21026 MILAN

Acknowledgment of Receipt

☒ Registered Letter ☐ Parcel

12870694481 5

☐ Insured Euro 4.65

Number

Date of Issue: JULY 11, 2006. By the post office of MILANO PRECOTTO

Addressee: ENRICO GIOVANARDI

Via Carducci 54

C.A.P. ["Postal Code"] 41041. Place: Formigone (Modena)

[Stamp: "41043. {illegible} ITALIAN {illegible}"].

[illegible signature] 4 07/14/06

Full Signature

Date

Signature of the Person in Charge of Distribution

Stamp of the Distribution Office

(Given Name and Surname)



Delivery carried out pursuant to Article 33 of Ministerial Decree of 04/09/01

• Multiple mailings to a single addressee

• Signing rejected

Evidence 11



Posteitaliane

postaprioritaria

A. R.

Avviso di ricevimento
Mod. 234-P Cod. V6402E

DIREZ. PROPRIETA' INDUSTRIALE
RIC. 20 LUG. 2006

C.0270 - DIR. PROPRIETA' IND. LE
S.BEDINI (RIF. R 1014)
LE SARCA 222

20126 MILANO

II III III

IIIIII III III

Avviso di ricevimento

☒ Raccomandata ☐ Pacco
☐ Assicurata Euro 4.65

12870694481 5
Numero

Data di spedizione 11 LUG. 2006 Dall'ufficio postale di

MILANO PRECOTTO

Destinatario ENRICO GIOVANNARDI
Via CARLUCCI 54
C.A.P. 41041 Località FORZIGONE (MODENA)

L1 (00) - Ed. 09/02

Firma per esteso del ricevente (Nome e Cognome) *Enrico Giovanni*
Data 14-07-06
Firma dell'incaricato alla distribuzione *[Signature]*
Bollo dell'ufficio di distribuzione *[Stamp]*
☐ Consegna effettuata ai sensi dell'art. 33 D.M. 09.04.01:
• Invii multipli a un unico destinatario
• Sottoscrizione rifiutata

PIRELLI

Pirelli & C. Società per Azioni
Intellectual Property Division

Egr. Ing.
Enrico Giovanardi
Via Carducci 54
41041 Formigone (Modena)

Registered Return-Receipt.

February 27, 2007

Re: PCT/IB2002/005216 "Method for optimizing the positioning of high sensitivity receiver front-ends in a mobile telephony network and related mobile telephony network".

In reference to our previous letter of July 10, 2006, and lacking any response from you, we are compelled herewith to send you new documents and to ask you to sign, date, and send them to us so we can proceed with the formalities related to the patent application cited above at the Canadian Intellectual Property Office and at the Patent and Trademark Office (USA).

Please note that the documents for the U.S. ("Declaration and Power of Attorney" and "Assignment") are stapled to a complete copy of the patent application that includes the text, claims, and figures (a patent application that was furthermore already sent to you at the time of the relevant filing) in line with U.S. practices. However, we ask you to sign and date the documents without detaching them from the text. Attached you will also find a new Assignment for Canada.

Informing you that failure on your part to sign the attached documents will cause great harm to Telecom Italia S.p.A. that can prejudice your chance of having the patent in question granted in the United States and Canada, we wait in anticipation for your kind and urgent reply within not more than 10 days of the date of the present letter.

Best wishes,

Signature
Francesco Battipede
IPR Office/Telecom Italia Group

Attached: - Declaration and power of Attorney" and "Assignment" for the U.S. (attached to a copy of the patent application).
 - Assignment for Canada.



Pirelli & C. Società per Azioni

Direzione Proprietà Industriale

Egr. Ing.
Enrico Giovanardi
Via Carducci 54
41041 Formigone (Modena)

Raccomandata r/r

27 Febbraio 2007

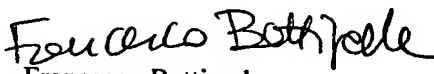
Oggetto: PCT/IB2002/005216 "Method for optimizing the positioning of high sensitivity receiver front-ends in a mobile telephony network and related mobile telephony network"

Con riferimento alla ns. precedente lettera del 10 luglio 2006 e in assenza di un riscontro da parte Sua, ci vediamo costretti con la presente a rimandarLe nuovi documenti e a richiederLe di sottoscriverli, datarli e di inviarceli, al fine di poter procedere con le formalità relative alla domanda di brevetto in oggetto presso il Canadian Intellectual Property Office e presso il Patent and Trademark Office USA.

Voglia notare che i documenti per USA ("Declaration and Power of Attorney" - Procura e "Assignment" - Cessione) sono stati pinzati ad una copia completa della domanda di brevetto, comprensiva di testo, rivendicazioni e figure (domanda di brevetto che pure era già stata a Lei inviata al momento del relativo deposito) secondo quanto previsto dalla prassi statunitense. La preghiamo pertanto di firmare e datare i documenti senza staccarli dal testo. Allegato troverà anche un nuovo "Assignment" - Cessione per il Canada.

Nel ricordarLe, che la mancata sottoscrizione dei documenti allegati da parte Sua arreca un grave danno a Telecom Italia S.p.A., alla quale può pregiudicare la possibilità di vedersi concesso il brevetto in questione negli Stati Uniti ed in Canada, rimaniamo in attesa di Suo cortese, urgente riscontro entro e non oltre 10 giorni dalla data della presente.

Distinti saluti


Francesco Battipede
Funzione IPR Gruppo Telecom Italia

Allegati: - "Declaration and Power of Attorney" e "Assignment" per USA (uniti ad una copia della domanda di brevetto)
- "Assignment" per Canada